

Attorney's Docket:  
99P7740US

PATENT APPLICATION  
09/378,108

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### REMARKS

This application has been carefully reviewed in light of the Final Office Action mailed January 30, 2004. Claims 1-21 are pending in the application. Claims 1-21 stand rejected. Applicants have amended Claims 1, 7, 15 and 21. Applicants submit that no new matter has been added with these amendments. Applicants respectfully request reconsideration and favorable action in this case.

### Rejections Under 35 U.S.C. § 103

The Examiner rejects Claims 1-21 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,848,095 to Deutsch et al. ("*Deutsch*") and "A Spectrum Efficient Technique for Cordless Telephone Access to ISDN" by Kashorda et al. ("*Kashorda*"). Applicants respectfully traverse all rejections and assertions therein.

Amended independent Claim 1 recites a first data station operable to "determine based on the one or more measured parameters a spectral separation from the first channel."<sup>1</sup> *Deutsch* merely discloses a system that randomly selects frequency separation between channels at the time of manufacture,<sup>2</sup> which is clearly not based on one or more measured parameters during transmission. These randomly selected frequency separations, as disclosed in *Deutsch*, are stored in a table including groups, where each group includes a series of frequencies having randomly selected frequency separations. FIGURE 5. The table of *Deutsch* is generated by grouping channel frequencies of a frequency range into a number of subbands. Col. 6, Lines 47-55. For each group, a random sequence of subbands is created. Col. 6, Lines 56-62. A distinct channel frequency is selected from each subband of the random sequence of subbands in order to generate a sequence of random channel frequencies for each group. Col. 6, Lines 63-67. If the channels of Group B, for example, are functioning properly, then the base unit and the remote unit will hop from B1 to B2 to B3, etc. to B50 and cycle back to B1, B2, etc. Col. 6, Lines 1-4. If interference is detected in one of the frequencies such as B3, then the system switches the hopping sequence to B1, B2, C3, ..., B50. Col. 6, Lines 5-12. In either case, the frequency separation between B2 and B3 or B2 and C3 is randomly determined at the time of manufacture and not based on one or more

<sup>1</sup> Support for this amendment may be found, for example, at Page 13, Lines 10-20, Page 7, Lines 8-15, and FIGURE 5.

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parameters measured during transmission. Additionally, Applicants were unable to locate any passage in *Kashorda* that teaches or suggest the claimed limitation. Accordingly, Applicants respectfully submit that Claim 1 and its dependents 2-6 are allowable.

Independent Claims 7, 15, and 21 are allowable for analogous reasons. Claims 8-14 each depend from independent Claim 7 and are thus patentable over the cited art, for example, for at least the reasons discussed above with regard to Claim 7. Claims 16-20 each depend from independent Claim 15 and are thus patentable over the cited art, for example, for at least the reasons discussed above with regard to Claim 15.

The Examiner rejects Claims 1-21 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,115,407 to Gendel, et al. ("*Gendel*") and "A Spectrum Efficient Technique for Cordless Telephone Access to ISDN" by Kashorda et al. ("*Kashorda*"). Applicants respectfully traverse all rejections and assertions therein. Claims 1-21 are allowable for reasons analogous to those discussed above. *Gendel* merely discloses hopping through a series of pre-selected frequencies of a segment and in response to inference violating a predetermined threshold, the entire segment is replaced with a frequency segment not in use. Col. 7, Lines 52-59. The frequencies that comprise this used segment are determined at a time prior to detecting the interference,<sup>3</sup> which is not based on "one or more parameters for evaluating interference of the first channel during transmission." Accordingly, Applicants respectfully submit that Claim 1-21 are allowable.

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<sup>2</sup> Col. 6, Lines 15-19.

<sup>3</sup> Col. 7, Line 38 to Col. 8, Line 12.  
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**CONCLUSION**

For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request reconsideration and full allowance of all pending claims.

If the Examiner feels that a telephone conference or an interview would advance prosecution of this application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

Applicants do not believe that any fees are due. However, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 19-2179 of Siemens Corporation.

Date: March 29, 2004

Respectfully requested,

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